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DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8- foot long fishing vessel, her engines,  
tackle, furniture, apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

And Related Counterclaims

Case No.: CV 07-02952 WHA

**STIPULATED REQUEST FOR  
ORDER CONTINUING HEARINGS  
RE ORAL ARGUMENT AND  
RULING**

Oral Argument Hearing: June 5, 2008  
3:15 p.m.

Ruling: June 6, 2008  
7:30 a.m.  
Courtroom 9, 19<sup>th</sup> Floor  
Hon. William H. Alsup

Pursuant to Local Rule 6-2, the parties jointly submit this Stipulated Request for an  
Order continuing the recently-set hearings for oral argument and to render a decision in this  
case. The Court has requested oral argument regarding the parties' Proposed Findings of

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Fact and Conclusions of Law on Thursday, June 5, 2008, at 3:15 p.m. and that the parties return for the Court's ruling the following morning, Friday, June 6, 2008, at 7:30 a.m. The parties respectfully request that the Court grant this Stipulated Request to change the date of the hearing for oral argument to Monday, June 16, 2008, or the soonest day thereafter that is convenient to the Court, and to change the date for the Court's ruling to follow as is convenient.

# **I. BASIS FOR STIPULATED REQUEST**

Gregory Poulos, lead trial counsel for Plaintiff Del Mar Seafoods, Inc., is currently out of the country and will not return until June 12, 2008. Mr. Poulos is currently in Athens, Greece to co-chair the International Maritime Law Conference sponsored by the International Bar Association which runs from June 8 through June 10, 2008. (The website for the Conference is: <http://www.ibanet.org/conferences/Maritime%5FLaw/>) Mr. Poulos had committed to serving as co-chair and scheduled this trip approximately one year in advance, and the trip was pre-paid. *See* Declaration of Max L. Kelley ("Kelley Dec."), ¶ 2.

The first day Mr. Poulos would be available for oral argument would be June 13, 2008, however, Mr. Walsh will be out of town on that day. *Id.*, ¶ 3.

# **II. PREVIOUS TIME MODIFICATIONS**

There have been three:

1. The Court granted Defendants' Motion for Administrative Relief to Shorten Time for Hearing Defendants' Motion for Protective Order Limiting Deposition of Christene Cohen on December 19, 2007;
2. The Court granted the parties' Stipulated Request for Order Enlarging Time for Hearing on Plaintiff's Motion for Summary Judgment, or Alternatively, Partial Summary Judgment on March 5, 2008 because lead defense counsel would be out of the country; and
3. The Court extended the time to file responses to each parties' Proposed Findings of Facts and Conclusions of Law on May 23, 2008 because lead defense counsel would be out of town.

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1 **III. EFFECT ON CASE SCHEDULE**

2 The proposed change to the hearing dates will postpone the date of the Court's ruling.

3 **IV. CONCLUSION**

4 Because Plaintiff's lead trial counsel is out of the country on a pre-planned and pre-  
5 paid business/professional engagement until June 12, 2008, and lead defense counsel will be  
6 out of town on June 13, 2008, the parties respectfully request that the Court grant the  
7 Stipulated Request to continue the hearing for oral argument until June 16, 2008 at the  
8 earliest, with the hearing to issue the Court's ruling to follow.

9 Dated: June 4, 2007

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HANSEN & POULOS, LLP  
Attorneys for Plaintiff  
DEL MAR SEAFOODS, INC.

12  
13 By: 

Max L. Kelley  
Gregory W. Poulos

14  
15 Dated: June 4, 2007

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F/V POINT LOMA FISHING COMPANY,  
INC.

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